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C O N F I D E N T I A L SANTIAGO 001677

SIPDIS

STATE FOR WHA/BSC, PM

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TAGS: [MARR](#) [PGOV](#) [PREL](#) [CI](#) [SOFA](#) [ARTICLE](#)

SUBJECT: MFA LEGAL ADVISOR ON PROSPECTS FOR LONG-TERM SOFA

REF: A. SANTIAGO 0461

[1B](#). STATE 21154

Classified By: Deputy Chief of Mission Emi L. Yamauchi. Reasons: 1.4 (b and d).

[¶11.](#) (C) On August 4, E/POL Counselor spoke one-on-one with Foreign Ministry Legal Advisor Claudio Troncoso to follow up on our request for a Status of Forces Agreement (SOFA), and to explore whether the GOC was ready to discuss specifics. Troncoso reiterated cautions we had heard before from MFA: a) there was little chance the Lagos Administration would be willing to take any kind of a SOFA agreement to Congress in advance of the December 2005 presidential and congressional elections; and, b) in the event a new administration did submit a SOFA to Congress in 2006 or later, the issue of reciprocity would be salient and problematic. Troncoso agreed, however, that there were elements in the USG proposed SOFA that might be amenable to inclusion in an executive agreement that would not need approval from the Chilean Congress. Troncoso added that imminent Chilean legal reforms would further expand the scope of what could be included in executive agreements.

[¶12.](#) (C) Troncoso agreed that now was perhaps the time to begin discussing -- informally -- specific elements of the proposed SOFA. He intimated that no formal steps were likely before the end of 2005, but agreed that our militaries, planning and scheduling of exercises/exchanges might drive the timetable. Troncoso said he would ask the Special Policies Department under Ambassador Winter to discuss specifics with the Embassy, and to coordinate with the Chilean military.

Comment

[¶13.](#) (C) Some items contained in the proposed SOFA text, such as indemnity, likely will require Chilean congressional action for juridical or political reasons. However, Troncoso was mildly encouraging in his assessment that other elements may be achievable without having to take the Congressional approval route. Embassy will continue to follow up with Ambassador Winter's office.

KELLY